



June 1, 2004

101 Jefferson Drive Menlo Park, CA 94025-1114 PHONE: 650.838.4300 FAX: 650.838.4350 www.perkinscoie.com

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Attention: Examiner Witherspoon

Dear Sir:

Please find enclosed a Notice of Allowance mistakenly mailed to our offices. As you will see, the application number on the cover page does not match the application number on the Notice of Allowance.

Yours very truly,

Jacqueline F. Mahoney

Patent Agent

Enc.



# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. BOX 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

DATE MAILED: 05/20/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,422	10/19/1999	PEHR B. HARBURY	8600-0197.30	4130
	7590 05/20/2004		EXAM	
PERKINS CO P.O. BOX 216	8		TRAN, MY	CHAU T
MENLO PAR	K, CA 94026		ART UNIT	PAPER NUMBER
			1639	

Please find below and/or attached an Office communication concerning this application or proceeding.

FOR
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PERKINS COIE LLP
INITIALS



### United States Patent and Trademark Office



05/20/2004

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

# TICE OF ALLOWANCE AND FEE(S) DUE

Paul J. Farrell, Eaq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553

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EXAMINER WITHERSPOON, SIKARL A ART UNIT PAPER NUMBER

1621 DATE MAILED: 05/20/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,800	07/28/2003	Young J. Joo	764-24	4528

TITLE OF INVENTION: METHOD FOR PREPARING CYCLOHEXYL PHENYL KETONE FROM 1,3- BUTADIENE AND ACRYLIC ACID

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	08/20/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450

Alexandria, Virginia 22313-1450 or <u>Fax</u> (703) 746-4000

JUN 0 4 2004

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where a property of the correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

05/20/2004

Paul J. Farrell, Eaq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553 Note: A certificate of mailing can only be used for domestic mailings of the Fec(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fec(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,800	07/28/2003	Young J. Joo	764-24	4529

TITLE OF INVENTION: METHOD FOR PREPARING CYCLOHEXYL PHENYL KETONE FROM 1,3- BUTADIENE AND ACRYLIC ACID

APPLN. TYPE	SMALL ENTITY	SMALL ENTITY ISSUE FEE PUBLI		TOTAL FEE(S) DUE	DATE DUE	
nonprovisional	NO	\$1330	\$300	\$1630	08/20/2004	
EXAMINER WITHERSPOON, SIKARL A		ART UNIT	CLASS-SUBCLASS	7		
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Change of correspond Address form PTO/SB/I	ce address or indication of "Fee ence address (or Change of Co 22) attached. ion (or "Fee Address" Indication or more recent) attached. Use of	nam ager firm ager af a Customer	or printing on the patent front page es of up to 3 registered patent at ts OR, alternatively, (2) the name (having as a member a registered to) and the names of up to 2 regis neys or agents. If no name is liste per printed.	of a single attorney or 2		

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignce is identified below, no assignce data will appear on the patent. Inclusion of assignce data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignce or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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### UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.				
	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,800	07/28/2003	Young J. Joo	764-24 (PX1543-US/KHP)	4528
Paul J. Farrell, Ea	ARRESE, LLP		WITHERSPOO	
333 Earle Ovingtor Uniondale, NY 115			ART UNIT 1621	PAPER NUMBER
•			DATE MAILED: 05/20/2004	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

الخالم المالية	Application No.	Applicant(s)	
ル の を Notice of Allowability	10/628,800	JOO ET AL.	
Notice of Allowability	Examiner	Art Unit	
PATENT & TREE	Sikarl A. Witherspoon	1621	
The MAILING DATE of this communication All claims being allowable, PROSECUTION ON THE MERIT herewith (or previously mailed), a Notice of Allowance (PTOI NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATEN of the Office or upon petition by the applicant. See 37 CFR	S IS (OR REMAINS) CLOSED in t L-85) or other appropriate commun NT RIGHTS. This application is su	his application. If not included ication will be mailed in due co	urse THIS
1. A This communication is responsive to papers filed 28 J	luly 2003.		
2. ⊠ The allowed claim(s) is/are <u>1-11</u> .			
3. The drawings filed on are accepted by the Exal	miner.		
4. ☑ Acknowledgment is made of a claim for foreign priori a) ☑ All b) ☐ Some* c) ☐ None of the:	ity under 35 U.S.C. § 119(a)-(d) or	<b>(f)</b> .	
1. ☑ Certified copies of the priority documents	have been received.		
2.  Certified copies of the priority documents	have been received in Application	No	
3. Copies of the certified copies of the priorit	y documents have been received i	n this national stage application	n from the
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DA noted below. Failure to timely comply will result in ABANDO THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	TE" of this communication to file a ONMENT of this application.	reply complying with the requi	rements
5. A SUBSTITUTE OATH OR DECLARATION must be s INFORMAL PATENT APPLICATION (PTO-152) which	ubmitted. Note the attached EXAM gives reason(s) why the oath or d	INER'S AMENDMENT or NOT eclaration is deficient.	ICE OF
6. CORRECTED DRAWINGS (as "replacement sheets")	must be submitted.		
(a) ☐ including changes required by the Notice of Drafts		PTO-948) attached	
1) ☐ hereto or 2) ☐ to Paper No./Mail Date		,	
<ul> <li>(b) ☐ including changes required by the attached Exami</li> <li>Paper No./Mail Date</li> </ul>		the Office action of	
Identifying indicia such as the application number (see 37 CF each sheet. Replacement sheet(s) should be labeled as such	FR 1.84(c)) should be written on the	drawings in the front (not the ba	ck) of
DEPOSIT OF and/or INFORMATION about the deattached Examiner's comment regarding REQUIREME	eposit of BIOLOGICAL MATER	IAL must be submitted. Note	e the
<b>5 5</b>			
Attachment(s)			50)
1. Notice of References Cited (PTO-892)	^	mal Patent Application (PTO-1	52)
2. Notice of Draftperson's Patent Drawing Review (PTO-94	, —	mary (PTO-413), il Date	
<ol> <li>Information Disclosure Statements (PTO-1449 or PTO/S Paper No./Mail Date 7/28/03</li> </ol>	SB/08), 7. Examiner's Arr		
4.   Examiner's Comment Regarding Requirement for Depos	sit 8. 🛭 Examiner's Sta	tement of Reasons for Allowa	nce

U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

of Biological Material

GROUP 18

PATEST EXAMINER

Application/Control Number: 10/628,800

Art Unit: 1621

#### Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: applicants claim a process for preparing a cyclohexyl phenyl ketone from a 1,3-butadiene and acrylic acid. The closest prior art of record teaches the reaction of benzoic acid with cyclohexane carboxylic acid in the presence of a catalyst. The closest prior art of record, however, fails to teach or fairly suggest the reaction of 1,3-butadiene and acrylic acid, and subsequent hydrogenation, chlorination, and Friedel-Crafts acylation of the resulting carboxylic acid, to produce the cyclohexyl phenyl ketone, as claimed herein. Therefore, the instant claims have been allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikarl A. Witherspoon whose telephone number is 571-272-0649. The examiner can normally be reached on M-F 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/628,800

Art Unit: 1621

Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sikarl A. Witherspoon Patent Examiner Technology Center 1600

> Johann Richter, Ph D. Esq. Supervisory Patent Examiner Technology Center 1600

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(30)		1,030,003	May 18, 1966		UK				
(SW)		1,063,268	Mar. 30, 196	7	UK				
		1,066,542	Apr. 26, 196	7	UK				
		OTHER PRIOR AR	(Including Au	thor,	Title, Date, Perti	nent Pag	ges, Etc.)		1
		Cope et al.,	"N,N-Dimethylc	ycloh	exylmethylamine", O	ganic S	yntheses, Vol.	IV, pp	.339-342
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examiner '	Sika	DA With	lugeon	-	DATE CONSIDERED				
* EXAMINER Draw line	: Initi through	al if reference of citation if not	onsidered, whe	ther	or not citation is not considered. In	in confo	rmance with MI	PEP 609.	

communication to applicant.

(Form PTO-1449 [6-4])